

ALCOHOLIC BEVERAGE CONTROL AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to address issues related to licensing.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "retail license";
- ▶ addresses new master licenses under the law enforcement quota;
- ▶ addresses the powers of the commission;

~~§→ [→ prohibits multiple retail licenses at the same building under certain circumstances;] ←§~~

- ▶ creates a master full-service restaurant license;
- ▶ creates a master limited-service restaurant license;
- ▶ delays the enactment of the Transfer of Retail License Act and related amendments;

and

- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

S.B. 167



28 AMENDS:

29 **32B-1-102**, as last amended by Laws of Utah 2011, Second Special Session, Chapter 2

30 **32B-1-201**, as last amended by Laws of Utah 2011, Chapter 334

31 **32B-2-202**, as last amended by Laws of Utah 2012, Chapter 365

32 **32B-8a-201 (Effective 07/01/13)**, as enacted by Laws of Utah 2011, Chapter 334

33 ENACTS:

34 ~~§→ [—32B-5-207, Utah Code Annotated 1953] ←§~~

35 **32B-6-206**, Utah Code Annotated 1953

36 **32B-6-306**, Utah Code Annotated 1953

37 **Uncodified Material Affected:**

38 AMENDS UNCODIFIED MATERIAL:

39 **Uncodified Section 7, Laws of Utah 2012, Fourth Special Session, Chapter 1**

40 This uncodified section affects Sections 32B-5-309 (Effective 07/01/13) and the
41 sections in Title 32B, Chapter 8a, Transfer of Retail License Act.

42 **Uncodified Section 8, Laws of Utah 2012, Fourth Special Session, Chapter 1**



44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **32B-1-102** is amended to read:

46 **32B-1-102. Definitions.**

47 As used in this title:

48 (1) "Airport lounge" means a business location:

49 (a) at which an alcoholic product is sold at retail for consumption on the premises; and

50 (b) that is located at an international airport with a United States Customs office on the
51 premises of the international airport.

52 (2) "Airport lounge license" means a license issued in accordance with Chapter 5,
53 Retail License Act, and Chapter 6, Part 5, Airport Lounge License.

54 (3) "Alcoholic beverage" means the following:

55 (a) beer; or

56 (b) liquor.

57 (4) (a) "Alcoholic product" means a product that:

58 (i) contains at least .5% of alcohol by volume; and

772 Rulemaking Act.

773 (4) Notwithstanding Subsections (1)(e)~~[(xi)](xiii)~~ and ~~[(xii)] (xiv)~~, the director or
774 deputy director may issue an event permit in accordance with Chapter 9, Event Permit Act.

775 **§→ [Section 4. Section 32B-5-207 is enacted to read:**

776 ~~———— 32B-5-207. Multiple retail licenses at same building.~~

777 ~~———— (1) (a) On or after the effective date of this bill, the commission may not issue to a~~
778 ~~retail licensee more than one type of retail license for the same building unless the commission~~
779 ~~determines that:~~

780 ~~———— (i) (A) the licensed premises for each retail license is in a separate room within the~~
781 ~~building; and~~

782 ~~———— (B) the requirements for each retail license are met; or~~

783 ~~———— (ii) (A) the different retail licenses are operational at different days or hours;~~

784 ~~———— (B) the retail licensee posts a notice that is conspicuous and states the days and hours~~
785 ~~for each retail license that operates on the premises; and~~

786 ~~———— (C) the requirements for each retail license are met.~~

787 ~~———— (b) The commission may define "separate room" by rule made in accordance with Title~~
788 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.~~

789 ~~———— (2) (a) Notwithstanding Subsection (1), if on the effective date of this bill a retail~~
790 ~~licensee has more than one type of retail license within a building in a manner that violates~~
791 ~~Subsection (1), the retail licensee may operate under the different types of retail licenses until~~
792 ~~January 1, 2015.~~

793 ~~———— (b) By no later than January 1, 2015, the retail licensee shall:~~

794 ~~———— (i) choose which retail license the retail licensee wants to retain, subject to being~~
795 ~~qualified to continue to hold the retail license; and~~

796 ~~———— (ii) let expire or return to the commission a retail license that the retail licensee has~~
797 ~~chosen not to retain.] ←§~~

798 Section 5. Section 32B-6-206 is enacted to read:

799 **32B-6-206. Master full-service restaurant license.**

800 (1) (a) The commission may issue a master full-service restaurant license that
801 authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an
802 alcoholic product on premises at multiple locations as full-service restaurants if the person

803 applying for the master full-service restaurant license:

804 (i) owns each of the full-service restaurants; ~~§~~ → [and] ← ~~§~~

805 (ii) except for the fee requirements, establishes to the satisfaction of the commission

806 that each location of a full-service restaurant under the master full-service restaurant license

807 separately meets the requirements of this part ~~§~~ → [:] ; and

807a **(iii) the master full-service restaurant license includes at least five full-service restaurant**

807b **locations.** ←~~§~~

808 (b) The person seeking a master full-service restaurant license shall designate which

809 full-service restaurant locations the person seeks to have under the master full-service

810 restaurant license.

811 (c) A full-service restaurant location under a master full-service restaurant license is

812 considered separately licensed for purposes of this title, except as provided in this section.

813 (2) A master full-service restaurant license and each location designated under

814 Subsection (1) are considered a single full-service restaurant license for purposes of Subsection

815 32B-6-203(3)(a).

816 (3) (a) A master full-service restaurant license expires on October 31 of each year.

817 (b) To renew a person's full-service restaurant license, a person shall comply with the

818 renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than

819 September 30.

820 (4) (a) The nonrefundable application fee for a master full-service restaurant license is

821 \$330.

822 (b) The initial license fee for a master full-service restaurant license is \$10,000 plus a

823 separate initial license fee for each newly licensed full-service restaurant license under the

824 master full-service restaurant license determined in accordance with Subsection

825 32B-6-204(3)(b).

826 (c) The renewal fee for a master full-service restaurant license is \$1,000 plus a separate

827 renewal fee for each full-service license under the master full-service restaurant license

828 determined in accordance with Subsection 32B-6-204(3)(c).

829 (5) A new location may be added to a master full-service restaurant license after the

830 master full-service restaurant license is issued if:

831 (a) the master full-service restaurant licensee pays a nonrefundable application fee of

832 \$330; and

833 (b) including payment of the initial license fee, the location separately meets the

865 **32B-6-306. Master limited-service restaurant license.**

866 (1) (a) The commission may issue a master limited-service restaurant license that
 867 authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an
 868 alcoholic product on premises at multiple locations as limited-service restaurants if the person
 869 applying for the master limited-service restaurant license:

870 (i) owns each of the limited-service restaurants; ~~§~~ → [and] ← ~~§~~

871 (ii) except for the fee requirements, establishes to the satisfaction of the commission
 872 that each location of a limited-service restaurant under the master limited-service restaurant
 873 license separately meets the requirements of this part ~~§~~ → [;] ; and

873a **(iii) the master limited-service restaurant includes at least five limited-service restaurant**
 873b **locations. ← ~~§~~**

874 (b) The person seeking a master limited-service restaurant license shall designate
 875 which limited-service restaurant locations the person seeks to have under the master
 876 limited-service restaurant license.

877 (c) A limited-service restaurant location under a master limited-service restaurant
 878 license is considered separately licensed for purposes of this title, except as provided in this
 879 section.

880 (2) A master limited-service restaurant license and each location under Subsection (1)
 881 are considered a single limited-service restaurant license for purposes of Subsection
 882 32B-6-303(3)(a).

883 (3) (a) A master limited-service restaurant license expires on October 31 of each year.

884 (b) To renew a person's master limited-service restaurant license, a person shall comply
 885 with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than
 886 September 30.

887 (4) (a) The nonrefundable application fee for a master limited-service restaurant license
 888 is \$330.

889 (b) The initial license fee for a master limited-service restaurant license is \$5,000 plus
 890 a separate initial license fee for each newly licensed limited-service restaurant license under the
 891 master limited-service restaurant license determined in accordance with Subsection
 892 32B-6-304(3)(b).

893 (c) The renewal fee for a master limited-service restaurant license is \$500 plus a
 894 separate renewal fee for each limited-service license under the master limited-service restaurant
 895 license determined in accordance with Subsection 32B-6-304(3)(c).